PETITION OF THE CATHOLICS OF IRELAND

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THE

PETITION

OF THE

Catholics of Ireland,

TO THE

KING'S MOST EXCELLENT MAJESTY:

Preſented at *St. James's*, on Wedneſday Jan. 2, 1793,

BY MESSRS.

EDWARD BYRNE, JOHN KEOGH, JAMES EDWARD DEVEREUX, CHRISTOPHER BELLEW,
And Sir THOMAS FRENCH, Bart.

TO WHICH ARE ANNEXED

N O T E S,

RECITING THE STATUTES ON WHICH THE ALLEGATIONS OF THE PETITION ARE GROUNDED.

D U B L I N:

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SUB-COMMITTEE,

JANUARY 12, 1793,

DENIS THOMAS O'BRIEN in the Chair.

IT having been publicly and ſolemnly aſſerted, that the Petition of the Catholics to his Majeſty contained many falſehoods and miſrepreſentations,

RESOLVED Therefore,

That it is neceſſary to republiſh that Petition, with Notes reciting the different Acts of Parliament on which the alledged Falſehoods and Miſrepreſentations *are grounded.*

Signed by Order,

JOHN SWEETMAN,
SECRETARY.

TO THE

KING'S MOST EXCELLENT MAJESTY.

The humble PETITION of the underſigned CATHOLICS, on behalf of themſelves, and the reſt of the Catholic Subjects of the Kingdom of Ireland.

MOST GRACIOUS SOVEREIGN,

WE your Majeſty's moſt dutiful and loyal Subjects of your Kingdom of Ireland, profeſſing the Catholic Religion, preſume to approach your Majeſty, who are the common Father of all your People, and humbly to ſubmit to your conſideration, the manifold incapacities, and oppreſſive diſqualifications, under which we labour.

For, may it pleaſe your Majeſty, after a century of uninterrupted loyalty, in which time, five foreign wars, and two domeſtic rebellions have occurred; after having taken every oath of allegiance and fidelity to your Majeſty, and given, and being ſtill ready to give every pledge, which

 can

can be deviſed for their peaceable demeanour, and unconditional ſubmiſſion to the laws; the Catholics of Ireland ſtand obnoxious to a long Catalogue of Statutes, inflicting on dutiful and meritorious ſubjects, pains and penalties, of an extent and ſeverity, which ſcarce any degree of delinquency can warrant; and prolonged to a period when no neceſſity can be alledged to juſtify ſuch continuance.

In the firſt place, we beg leave, with all humility, to repreſent to your Majeſty, that, notwithſtanding the loweſt departments in your Majeſty's fleets and armies are largely ſupplied by our numbers, and your Revenue in this country to a great degree ſupported by our contributions, we are diſabled from ſerving your Majeſty in any office of truſt and emolument whatſoever, civil or military.—A proſcription which diſregards capacity or merit, admits of neither qualification nor degree, and reſts as an univerſal ſtigma of diſtruſt upon the whole body of your Catholic ſubjects. *(a)* *

We are interdicted from all municipal ſtations, and the franchiſe of all guilds and corporations. And our excluſion from the benefits annexed to thoſe ſituations is not an evil terminating in itſelf. For, by giving an advantage over us to thoſe in whom they are excluſively veſted, they eſtabliſh throughout the kingdom a ſpecies of qualified monopoly, uniformly operating in our diſfavour, contrary to the ſpirit, and highly detrimental to the freedom of trade. *(b)*

We

* *The Notes are annexed to which the letters refer.*

We may not found, nor endow, any univerſity, college, or ſchool, for the education of our children ; and we are interdicted from obtaining degrees in the univerſity of Dublin, by the ſeveral charters and ſtatutes now in force therein. *(c)*

We are totally prohibited from keeping or uſing weapons for the defence of our houſes, families or perſons, whereby we are expoſed to the violence of burglary, robbery, or aſſaſſination. And to enforce this prohibition, contravening that great original law of nature which enjoins ſelf-defence, a variety of ſtatutes exiſt, not leſs grievous and oppreſſive in their proviſions, than unjuſt in their object: by one of which, enacted ſo lately as within theſe ſixteen years, every of your Majeſty's Catholic Subjects, of whatever rank or degree, peer, or peaſant, is compellable by any magiſtrate to come forward and convict himſelf of (what may be thought a ſingular offence in a country profeſſing to be free) keeping arms for his defence ; or, if he ſhall refuſe ſo to do, may incur not only fine and impriſonment, but the vile and ignominious puniſhment of pillory and whipping ; penalties appropriated to the moſt infamous malefactors, and more terrible to a liberal mind than even death itſelf. *(d)*

No Catholic whatſoever, as we apprehend, has his perſonal property ſecure : the law allows and encourages the diſobedient and unnatural child to conform, and deprive him of it. The unhappy father does not, even by the ſurrender of his all, purchaſe his repoſe : he may be attacked by new bills, if his

his future induſtry be ſucceſsful, and again be plundered by due proceſs of law. *(e)*

We are excluded, or may be excluded, from all Petit-juries in civil actions, where one of the parties is a Proteſtant; and we are further excluded from all Petit-juries, in trials by information or indictment, founded on any of the Popery laws; by which law, we moſt humbly ſubmit to your Majeſty that your loyal ſubjects, the Catholics of Ireland, in this their native land, are in a worſe ſituation than that of aliens; for they may demand an equitable privilege denied to us, of having half their jury aliens, like themſelves. *(f)*

We may not ſerve on Grand-juries, unleſs, which it is ſcarcely poſſible ever can happen, there ſhould not be found a ſufficiency of Proteſtants to compleat the pannel; contrary to that humane and equitable principle of the law, which ſays, that no man ſhall be convicted of any capital offence, unleſs by the concurring verdict of two juries of his neighbours, and equals; whereby (and to this we humbly preſume more particularly to implore your royal attention, we are deprived) of the great palladium of the conſtitution, trial by our peers; independent of the manifeſt injuſtice of our property being taxed, in aſſeſſments, by a body from which we are formally excluded. *(g)*

We avoid a further enumeration of inferior grievances: But, may it pleaſe your Majeſty, there remains one incapacity, which your loyal ſubjects, the Catholics of Ireland, feel with the moſt poignant

nant anguiſh of mind; as being the badge of unmerited diſgrace and ignominy; and the cauſe and bitter aggravation of all our other calamities:—We are deprived of the Elective Franchiſe; to the manifeſt perverſion of the ſpirit of the conſtitution: inaſmuch as your faithful ſubjects are taxed where they are not repreſented, actually or virtually; and bound by laws, in the framing of which they have no power to give, or withold their aſſent: And we moſt humbly implore your Majeſty to believe, that this our prime and heavy grievance, is not an evil merely ſpeculative, but is attended with great diſtreſs to all ranks; and, in many inſtances, with the total ruin and deſtruction of the lower orders of your Majeſty's faithful and loyal ſubjects, the Catholics of Ireland: For, may it pleaſe your Majeſty, not to mention the infinite variety of advantages, in point of protection and otherwiſe, which the enjoyment of the Elective Franchiſe gives to thoſe who poſſeſs it; nor the conſequent inconveniencies, to which thoſe who are deprived thereof are liable; not to mention the diſgrace to three-fourths of your loyal ſubjects of Ireland, of being the only body of men incapable of Franchiſe, in a nation poſſeſſing a free conſtitution, it continually happens, and of neceſſity, from the malignant nature of the law, muſt happen, that multitudes of the Catholic tenantry, in divers counties in this kingdom, are, at the expiration of their leaſes, expelled from their tenements and farms, to make room for Proteſtant freeholders, who, by their votes, may contribute to the

the weight and importance of their landlords; a circumſtance which renders the recurrence of a general election, that period which is the boaſt and laudable triumph of our Proteſtant brethren, a viſitation and heavy curſe to us, your Majeſty's dutiful and loyal ſubjects; and, may it pleaſe your Majeſty, this uncertainty of poſſeſſion to your Majeſty's Catholic ſubjects, operates as a perpetual reſtraint and diſcouragement on induſtry and the ſpirit of cultivation; whereby it happens, that this your Majeſty's kingdom of Ireland, poſſeſſing many and great natural advantages of ſoil and climate, ſo as to be exceeded therein by few, if any, countries on the earth, is yet prevented from availing herſelf thereof ſo fully as ſhe otherwiſe might; to the furtherance of your Majeſty's honour, and the more effectual ſupport of your ſervice. *(b)*

And, may it pleaſe your Majeſty, the evil does not reſt even here; for many of your Majeſty's Catholic ſubjects, to preſerve their families from total deſtruction, ſubmit to a nominal conformity againſt their conviction and their conſcience; and, preferring perjury to famine, take oaths which they utterly diſbelieve; a circumſtance which, we doubt not, will ſhock your Majeſty's well known and exemplary piety, not leſs than the miſery, which drives thoſe unhappy wretches to ſo deſperate a meaſure, muſt diſtreſs and wound your Royal clemency and commiſſeration.

And

And, may it pleaſe your Majeſty, though we might here reſt our caſe on its own merits, juſtice and expediency; yet we further preſume, humbly to ſubmit to your Majeſty, that the Right of Franchiſe was, with divers other rights, enjoyed by the Catholics in this kingdom, from the firſt adoption of the Engliſh conſtitution by our forefathers; was ſecured, at leaſt to a great part of our body, by the treaty of Limerick, in 1691; guaranteed by your Majeſty's Royal predeceſſors, King William and Queen Mary, and finally confirmed and ratified by Parliament; notwithſtanding which, and in direct breach of the public faith of the nation thus ſolemnly pledged, for which our anceſtors paid a valuable conſideration in the ſurrender of their arms and a great part of this kingdom; and notwithſtanding the moſt ſcrupulous adherence, on our part, to the terms of the ſaid treaty, and our unremitting loyalty from that day to the preſent, the ſaid right of Elective Franchiſe was finally and univerſally taken away from the Catholics of Ireland, ſo late as the firſt year of his Majeſty King George the II. *

And, when we thus preſume to ſubmit this infraction of the treaty of Limerick to your Majeſty's Royal notice, it is not that we ourſelves conſider it to be the ſtrong part of our caſe; for though our rights were recognized, they were by no means created by that treaty; and we do with all humility conceive, that if no ſuch event as the ſaid treaty had ever taken place, your Majeſty's Catholic ſubjects, from their unvarying

* *Vide Note (h).*

varying loyalty, and dutiful ſubmiſſion to the laws, and from the great ſupport afforded by them to your Majeſty's government in this country, as well in their perſonal ſervice in your Majeſty's fleets and armies, as from the taxes and revenues levied on their property, are fully competent, and juſtly entitled to participate in, and enjoy the bleſſings of the conſtitution of their country.

And now that we have, with all humility, ſubmitted our grievances to your Majeſty, permit us, Moſt Gracious Sovereign, again to repreſent our ſincere attachment to the conſtitution, as eſtabliſhed in the three eſtates, of King, Lords, and Commons; our uninterrupted loyalty, peaceable demeanour and ſubmiſſion to the laws, for one hundred years; and our determination to perſevere in the ſame dutiful conduct, which has, under your Majeſty's happy auſpices, procured us thoſe relaxations of the penal ſtatutes, which the wiſdom of the legiſlature has from time to time thought proper to grant.——We humbly preſume to hope that your Majeſty, in your paternal goodneſs and affection towards a numerous and oppreſſed body of your loyal ſubjects, may be graciouſly pleaſed to recommend to your Parliament of Ireland, to take into their conſideration the whole of our ſituation—our numbers, our merits, and our ſufferings; and, as we do not give place to any of your Majeſty's ſubjects in loyalty and attachment to your Majeſty's ſacred perſon, we cannot ſuppreſs our wiſhes of being reſtored

to

to the rights and privileges of the Conſtitution of our Country; and thereby becoming more worthy, as well as more capable, of rendering your Majeſty that ſervice, which it is not leſs our duty than our inclination to afford :

So may your Majeſty tranſmit to your lateſt poſterity a Crown, ſecured by public advantage and public affection ; and ſo may your Royal Perſon become more dear, if poſſible, to your grateful people.

NOTES,

RECITING THE

STATUTES, ON WHICH THE ALLEGATIONS IN THE PETITION ARE GROUNDED.

(a) EVERY perſon that ſhall be admitted into any office civil or military, or ſhall receive any pay, ſalary, fee, or wages, belonging to any office or place of truſt, by reaſon of any patent or grant from the crown, or having command or place of truſt from or under the crown, or by its authority, or by authority derived from it, within this realm, ſhall in the ſame or next term, in one of the Four-Courts, in open court, between the hours of nine and twelve in the forenoon, or between the ſaid hours, at the ſame or next general quarter-ſeſſions for that county, barony or place where ſuch perſons, next after admiſſion into ſuch office, ſhall reſide, take the ſeveral oaths, and repeat the *Declaration* required by the 3d W. & M. ch. 2. in England and alſo the oath of abjuration appointed by 1ſt Anne, ch. 22. in England, and alſo receive the ſacrament of the Lord's

2d Anne, ch. 6. ſ. 16. 17. 1ſt. Geo. 2 ch. 2. ſ. 1. 1702.

Lord's Supper, according to the church of Ireland, in ſome public church, upon ſome Lord's-day, commonly called Sunday, immediately after divine ſervice and ſermon, within three months after ſuch admiſſion, and in the court where ſaid oaths are taken, ſhall firſt deliver a certificate of having received the ſacrament as aforeſaid, under the hands of miniſter and church-wardens, and make proof thereof by two witneſſes on oath.

25th Ch. 2. Rules by Lord Lieutenant and Council. 1672.

(b) No perſon hereafter elected mayor, bailiff, ſovereign, portreaf, burgomaſter, recorder, ſheriff, treaſurer, alderman, town-clerk, burgeſs, or one of the common council, or any magiſtrate, or ſuch or the like officer, within any city, walled town or corporation, or maſter or wardens of any corporation, guild or fraternity, within any city, walled town or corporation, ſhall be capable of holding, enjoying or executing any of the ſaid offices, places or employments, until he ſhall have taken the oath of ſupremacy eſtabliſhed by 2d Eliz. ch. 1. and the oath of allegiance; beſides the oath uſually taken upon the admiſſion of any perſons into the ſaid offices, places, or employments: the ſaid oaths to be made before ſuch perſons as ſhall admit them to the ſaid ſeveral offices, and upon any ſuch perſon's refuſal to take the ſaid oaths, the election of ſuch perſons into any of the ſaid offices is void; ſuch perſons only excepted, with whoſe making ſaid oath of ſupremacy the Lord Lieutenant, for ſome particular reaſons, ſhall think fit, by writing under his hand, by name to diſpenſe.

3d W. & M. ch. 2. ſ. 1, 4. Engliſh. 1689.

The oath of ſupremacy mentioned in 2d Eliz. ch. 1. is hereby abrogated;—and all perſons that ſhall be admitted into any office or employment, eccleſiaſtical or civil, or come into any capacity in reſpect whereof they ſhould have been obliged to take the ſaid abrogated oath, ſhall take the oaths

oaths and make the *Declaration* in this act mentioned, in such manner, at such times, and before such persons as they were directed to take the said abrogated oath.

(c) Not to be construed to allow erection or endowment of any Popish university or college, or endowed school in this realm. S. 4. 21. 22. Geo. 3. Ch. 62.

(d) All Papists shall discover, and deliver up to a justice of peace, or head officer of their place of of residence, all their arms, armour and ammunition. Any two justices of the peace, or any chief officer of a town corporate, by themselves or by their warrant, are impowered, from time to time, to search for and seize all such arms, armour and ammunition as shall be concealed in *any* house, lodging or other places where they shall *suspect* any such arms, armour or ammunition shall be concealed, and the same, so seized, preserve for the King's use, and return a true account thereof to the Lord Lieutenant. The search must be made between the rising and the setting of the sun, other than in cities and their suburbs, towns corporate, market towns, if it shall be so thought necessary, and the warrant for that purpose do direct and appoint: In case such justices of the peace or chief officer of town corporate, after such search made, *suspect* that any arms, armour or ammunition remained concealed, they are required to cause the persons suspected of concealing the same to be brought before them, and to be examined upon oath concerning the same.—Every papist who shall have arms, armour or ammunition, and not discover and deliver up the same, and every other person who wittingly shall have any arms, armour or ammunition to the use of or in trust for such papist, and every such person who, upon demand or search made for such arms, armour and ammunition, shall refuse to declare to the justices 7th Will. 3. ch. 5. S. 1. 1694. S. 2. S. 5.

or

or perſons impowered to ſearch for and ſeize the ſame, what arms, armour and ammunition they, or any other to his knowledge or with his privity have, or ſhall hinder the delivery thereof to the perſons authoriſed to ſearch for and ſeize the ſame, and every other perſon who ſhall refuſe to make diſcovery on oath, to be adminiſtered by the ſaid juſtices or chief officer of town corporate, concerning the premiſes, or being ſummoned by warrant, under the hands of two juſtices of peace, ſhall without reaſonable cauſe, refuſe or neglect to appear before ſuch juſtices of the peace or chief officer, to be examined concerning the premiſes, ſhall forfeit in manner following, viz. If ſuch perſon be a peer or peereſs, he or ſhe ſhall for the firſt offence forfeit 100*l.* and for the ſecond offence incur the penalty of a perſon attainted in a præmunire, and being thereof convicted, ſhall ſuffer puniſhment accordingly; if ſuch perſon be under the degree of a peer or peereſs, he or ſhe ſhall for the firſt offence forfeit 30*l.* and impriſonment for one year, and for the ſecond offence incur and ſuffer the pains and penalties of perſons attainted in a præmunire :—If the forfeiture by the peer or peereſs, one moiety to go to the King, and the other moiety to the proſecutor.—Lord Lieutenant and Privy Council may, by order of Privy Council, licenſe any perſon, as he and they ſhall think fit, to keep ſuch arms as ſhall be particularly expreſſed in ſuch licence. Perſons refuſing the oaths and Declaration in the act mentioned, tendered by a juſtice of peace, ſhall be deemed Papiſts. Magiſtrates neglecting or refuſing to execute this act forfeit 50*l.* one moiety to the king, the other to the proſecutor, and diſabled to act.

S. 7.

S. 12.

S. 13.

10th Will. 3. ch. 8. S. 4. 1697.

No papiſt or reputed papiſt ſhall be employed as fowler for a proteſtant, or under colour thereof ſhall have, keep, carry or uſe any gun or fire-arms; the ſame may be ſeized by warrant of a juſtice

juſtice of peace, and belongs to the informer, notwithſtanding the ſame ſhould be the property of a proteſtant.

The powers in 7th Will. 3. ch. 5. may be exercíſed by *all* juſtices of the peace and chief officers of cities and towns corporate; the penalty for firſt offence in peers and peereſſes extended to 300*l.* and in other perſons to 50*l.* and one year's impriſonment; ſaid penalties of 300*l.* and 50*l.* to be divided between the king and the proſecutor. Juſtices of peace for counties, and counties of cities, and counties of towns, at Midſummer quarter-ſeſſions yearly, ſhall iſſue warrants to conſtables and two others in each barony, to ſearch for arms armour and ammunition in the poſſeſſion of papiſts or other perſons in truſt for them; and the chief magiſtrate of every city and town corporate, not being a county of a city or county of a town, or his deputy, ſhall once in a year iſſue his warrant to the conſtables of each city or town to ſearch in like manner. The chief magiſtrate, or his deputy, neglecting ſo to do, ſhall forfeit 10*l.* and every high conſtable neglecting to execute ſuch warrant ſhall forfeit the ſum of 5*l.* and every petty conſtable neglecting to execute ſuch warrant ſhall forfeit 1*l.* the ſaid reſpective penalties to be recovered by civil bill, by any perſon who ſhall ſue for the ſame. If juſtices neglect to ſearch, after due information upon oath, they forfeit 20*l.* recoverable by civil bill to the uſe of the perſon ſuing for the ſame— No papiſt or other perſon in truſt for him, ſhall, for ſale or otherwiſe, keep or have, for or upon any pretence whatſoever, any warlike ſtores, ſword-blades, barrels, locks or ſtocks of guns or fire-arms, on penalty, on conviction, of 20*l.* by civil bill to the proſecutor, and impriſonment one year, and till the 20*l.* be paid. Where any proteſtant ſervant, by the direction, conſent, or privity of his popiſh maſter, keeps arms,

12th Geo. 2. ch. 6. S. 1. S. 2. 1738. S. 2.

S. 13.

S. 14.

arms, ſuch maſter ſhall be deemed as if he actually kept ſuch arms, and ſhall ſuffer the penalties that are inflicted on papiſts who keep arms, and ſuch ſervant ſhall be ſubject to ſaid penalties as
S. 15. if he were a papiſt. All ſuits and proſecutions for any offence againſt this act ſhall be commenced within one year after the offence committed.

15th and 16th Geo. 3 ch. 21. S. 15. 1775. One or more juſtice or juſtices of the peace, and all ſheriffs and chief magiſtrates of cities and towns corporate, within their reſpective juriſdictions, may, from time to time, as well by *night* as by day, ſearch for, and ſeize all arms and ammunition belonging to any papiſt not licenſed to keep the ſame, or in the hands of any perſon in truſt for a papiſt; and for that purpoſe enter any dwelling-houſe, out-houſe, office, field or other place belonging to a papiſt, or to any other perſon where ſuch magiſtrate has reaſonable cauſe to *ſuſpect* any ſuch arms or ammunition ſhall be concealed, and on ſuſpicion, after ſearch, may ſummon and examine on oath, the perſon ſuſpected of ſuch concealment.

S. 16. Provided, that no perſon ſhall be convicted, or incur any penalty for any offence upon any confeſſion or diſcovery he or ſhe ſhall make, on being examined upon oath as aforeſaid, nor ſhall any ſuch examination be given in evidence againſt the perſon ſo examined, unleſs ſuch perſon ſhall be indicted for having committed wilful perjury in ſuch examination.

S. 17. Papiſts refuſing to deliver or declare ſuch arms as they or any with their privity have, or hindering the delivery, or refuſing diſcovery on oath, or without cauſe neglecting to appear on ſummons, to be examined before a magiſtrate concerning the ſame, ſhall, on conviction, be puniſhed by fine and impriſonment, *or* ſuch *corporal puniſhment of pillory or whipping*, as the *court* ſhall in their *diſcretion* think proper.

The

The above act of the 15th and 16th Geo. 3d. ch. 21. was by said act continued to the 24th June, 1778.—Was further continued to the 24th June, 1780, and from thence to the end of the then next session of Parliament, by the 17th & 18th Geo. 3d. ch. 36. S. 7. 8.—Was further continued to the 24th June 1783, and from thence to the end of the then next session of Parliament, by the 19th & 20th Geo. 3d. ch. 14. S. 5.—Was further continued to the 24th June 1787, and to the end of the then next session of Parliament, by the 21st. & 22d. Geo. 3d. ch. 40. S. 1.—And by the 26th Geo. 3d. ch. 24. S. 72. the said act of the 15th & 16th Geo. 3d. ch. 21. was revived and continued for the term of 7 years from the 25th March, 1786, and from thence to the end of the then next session of Parliament.

N. B. From the above statement, it must be evident, that the aforesaid Act of the 15th & 16th Geo. 3d. ch. 21. DID NOT EXPIRE IN 1784, BUT IS STILL IN FULL FORCE.

It shall be lawful for the commissioners of police and divisional justices, or any of them, acting under this act, to search *suspected* places within the district for concealed arms, and if they find any gun, pistol, sword, or hanger in the possession of any one not qualified by law to bear or carry arms, it shall be lawful, and they are required, to seize, carry away, break and destroy all such arms. 26th Geo. 3 ch. 24. S. 44. 1785.

(*e*) From and after the 1st of May 1703, upon bill filed in chancery, by or on the behalf of a child or children of a popish parent, professing or desirous or willing to be instructed in the protestant religion, against such popish parent, it shall and may be lawful for said court to make such order for the *maintenance* of every such protestant child, not maintained by such popish parent, suitable to the degree and ability of such popish parent, and to the age of such child, and 2d Ann. ch. 6. S. 3. 1702.

alſo for the *portion* of every ſuch proteſtant child, *to be paid at the deceaſe of ſuch popiſh parent*, as that court ſhall adjudge fit, ſuitable to the degree and ability of ſuch parent.

8th Anne, ch. 3. S. 26. 1708.

Where and as often as any child or children of any popiſh parent or parents hath or have heretofore profeſſed or conformed him her or themſelves unto, or ſhall hereafter conform him her or themſelves to the proteſtant religion as by law eſtabliſhed, and inroll in chancery, a certificate of the biſhop of the dioceſe in which he ſhe or they ſhall inhabit or reſide, teſtifying his her or their being a proteſtant or proteſtants, and conforming his her or themſelves to the church of Ireland as by law eſtabliſhed, it ſhall and may be lawful for the court of chancery, upon a bill founded upon THIS ACT, to oblige the ſaid popiſh parent or parents to diſcover upon oath the full value of all his her or their eſtate, as well perſonal as real, clear over and above all real incumbrances and debts contracted *bonâ fide* for valuable conſideration before the inrollment of ſuch certificate, and thereupon to make ſuch order for the ſupport and maintenance of ſuch proteſtant child or children, by the diſtribution of the ſaid real and perſonal eſtate to and among ſuch proteſtant child or children for the *preſent ſupport* of ſuch proteſtant child or children, and *alſo* to and for the *portion or portions*, and *future maintenance or maintenances* of ſuch proteſtant child or children, after the deceaſe of ſuch popiſh parent or parents, as the ſaid court ſhall judge fit, notwithſtanding any fraudulent gift or ſale, or voluntary diſpoſition, or any voluntary charge or incumbrance by ſtatute-ſtaple, judgment, bond, deviſe, or otherwiſe, made, entered into, acknowledged, ſuffered or done, after the inrollment in chancery of the ſaid certificate, provided ſuch order and diſtribution among the proteſtant children of ſuch

ſuch popiſh parent ſhall not exceed one-third of the perſonal and real eſtate, for the *maintenance and ſupport* of ſuch proteſtant child or children *during the life* of ſuch popiſh parent.

Whereas ſuch popiſh parents do frequently ſet up fraudulent ſettlements and incumbrances, and make fraudulent leaſes at low rents, to make their eſtate real and perſonal appear ſmall and of little value, in order to deprive ſuch of their children as ſhall become proteſtants of a reaſonable ſupport and maintenance, and whereas the eſtate of ſuch popiſh parents may increaſe after ſuch portions and allowances made by the court of chancery, it is enacted, that notwithſtanding any decree for portion and maintenance made up or inrolled, it ſhall and may be lawful for the court of chancery, upon a new bill or bills founded on this act, (by which it ſhall be diſcovered and made appear that the eſtate real or perſonal of ſuch popiſh parents was much greater than at the time of the decree it appeared to be, or that ſuch popiſh parents had increaſed or improved the ſame) to increaſe or augment ſuch *portion or maintenance* formerly decreed or allowed to ſuch proteſtant children of ſuch popiſh parents, according to the value of the eſtate real or perſonal of ſuch parents at the time of ſuch new bill or bills preferred—but if it ſhall appear to the ſaid court, that ſuch new bill or bills are groundleſs and vexatious, then the ſaid court ſhall diſmiſs ſame, and award full coſts to the defendant, to be levied, as coſts in other caſes are uſually levied.

S. 4.

S. 5.

From and after the 1ſt of Auguſt, 1778, papiſts, or perſons profeſſing the popiſh religion, may take, hold, and enjoy any leaſe or leaſes, upon which a rent, *bona fide*, to be paid in money, ſhall

17th & 18th Geo. 3. ch. 49. S. 1. 1778.

ſhall be reſerved, for any term of years not exceeding 999 years certain, or for any term of years determinable upon any number of lives, not exceeding five, with or without liberty of committing waſte, and the ſame diſpoſe of by will or otherwiſe, as fully and beneficially to all intents and purpoſes, as any other his majeſty's ſubjects in this kingdom.

S. 2. All lands, tenements and hereditaments whereof any papiſt or perſon profeſſing the popiſh religion is *now* ſeized, or ſhall be ſeized, by virtue of a title legally derived by, from or under ſuch perſon or perſons *now* ſeized in fee-ſimple or fee-tail, whether at law or in equity, ſhall from and after the 1ſt of Auguſt, 1778, be deſcendable, deviſeable, and transferable, as fully, beneficially, and and effectually as if the ſame were in the ſeiſin of any other of his majeſty's ſubjects in this kingdom.

S. 3. All papiſts ſhall and may, from and after the 1ſt of Auguſt, 1778, be to all intents and purpoſes capable to take, hold, and enjoy all or any lands, tenements, or hereditaments, which ſhall deſcend from, or be deviſed or transferred by any *papiſt* who is *now* ſeized, or ſhall be ſeized by virtue of a title legally deviſed by, from, or under ſuch perſon *now* ſeized in fee-ſimple or fee-tail, whether at law or in equity, any thing contained in 2d Ann. ch. 6. or 8th Ann. ch. 3. or in any other ſtatute or law to the contrary in any wiſe notwithſtanding.

S. 10. All and every perſon or perſons, being in the actual poſſeſſion of any lands, tenements, or hereditaments, under titles which ſhall not have been litigated before the firſt of November, 1778, whether derived by deſcent, deviſe, limitation, or purchaſe, and all perſons deriving under ſettlements made upon marriages, or other valuable conſideration

consideration by papists in possession, shall have, take, hold, or enjoy the same, as if said acts of 2d and 8th. Ann. had not been made.

No *maintenance* or *portion* shall be granted, to any child of a popish parent, upon a bill filed against such parent, pursuant to said act, SECOND of ANNE, out of the *personal* property of such papist, *except* out of *such leases which they may hereafter take under the powers granted in this act*, any thing contained in any act or statute to the contrary in anywise notwithstanding. 17 & 18th of Geo. 3. Ch. 49. S. 2. 6.

From the 1st of May, 1782, it shall or may be lawful for any person or persons professing the popish religion, to purchase, or take by grant, limitation, descent, or devise, any lands, tenements, or hereditaments, in this kingdom, or ANY INTEREST therein, (except advowson, and also, except any manor, or borough, or any part of a manor or borough, the freeholders or inhatants whereof are entitled to vote for burgesses to represent such borough or manor in parliament) and the same to dispose of, as he, she, or they shall think fit, by will, or otherwise; and that such lands, tenements, and hereditaments, so purchased or taken, shall be descendable according to the course of common law, and deviseable and transferable, in like manner as the lands of protestants, any law or statute to the contrary thereof, in anywise notwithstanding. 21st & 22d Geo. 3 ch. 24. s. 1. 1782.

From the above statement it is evident, that though the CHATTELS REAL *of the* CATHOLIC, *acquired since* MAY 1782, *and his* REAL ESTATES, *may be secure, yet his* GOODS *and* PERSONAL CHATTELS *and* CHATTELS REAL, *acquired subsequent to 1st November*, 1778, *and previous to 1st May* 1782, *save leases acquired under the 17th & 18th Geo. 3d. are still subject to the provisions of the* EIGHTH *of* ANNE; *in respect to* maintenance *and* portion

for

for his PROTESTANT CHILD *or* CHILDREN:—*And therefore, the Catholic was* NOT GUILTY OF MISREPRESENTATION *in aſſerting, in his Petition to his Sovereign,* "*That his* PERSONAL ESTATE *was* NOT SECURE."

In reſpect to the leaſes taken by papiſts under the powers granted by the 17th and 18th Geo. 3. ch. 49, it is to be obſerved, that thoſe leaſes, if taken at any time within the 1ſt Auguſt and 1ſt November, 1778, were liable to be charged with maintenance and portion for the children of a popiſh parent poſſeſſed of the ſame, if a bill grounded on the 2d. Anne, ch. 6. was filed for that purpoſe before the 1ſt November 1778, but if no ſuch bill was filed before the 1ſt November 1778, ſuch leaſes ſo previouſly taken and in the actual poſſeſſion of the papiſt on that day, ceaſed to be liable to ſuch charges———It muſt alſo be obſerved as to thoſe leaſes taken by papiſts under the powers granted by the 17th and 18th Geo. 3. ch. 49, that if taken at any time after the 1ſt November 1778, and before the 2d May, 1782, (or ſince, if of lands in ſuch beforementioned manors or boroughs) they were and do now continue liable to be charged with ſuch maintenance and portion; as to leaſes of any lands, tenements, or hereditaments, (ſave in ſuch before-mentioned manors or boroughs) taken by papiſts after the 1ſt May 1782, they are within the proviſion of the ſtatute of the 21ſt and 22d Geo. 3. ch. 24, "which enables papiſts, upon making as aforeſaid, the oath and declaration before-mentioned, to take and diſpoſe of lands, tenements and hereditaments, and any intereſt therein as fully and beneficially as other ſubjects may;" and are therefore not liable to ſuch charges.

29th Geo. 2 ch. 6. S. 1. 12 1755.

(f) Papiſts to ſerve on juries muſt have 10*l.* per annum, clear freehold, except in counties of cities and towns.—

towns.——No papiſt to ſerve on juries in actions between proteſtants and papiſts,—challenge to ſuch papiſt ſhall be allowed, if proved.

This act in force to the 1ſt May 1758, and to the end of the then next ſeſſion of parliament——revived and continued to the 1ſt of May 1771, and to the end of the then next ſeſſion of parliament, by 1ſt Geo. 3. ch. 17. ſ 9.——Revived and made perpetual by 13th and 14th Geo. 3. ch. 41. ſ. 1.

No papiſt or reputed papiſt, ſhall be capable of ſerving as a juror upon trials for enliſting perſons in foreign ſervice. 11th Geo. 2. ch. 7. §. 3. 1737.

In all trials of iſſues on any preſentment, indictment, or information, or action on any of the popery laws, it ſhall and may be lawful to and for the proſecutor or plaintiff to challenge any papiſt returned as juror to try the ſame, and aſſign for cauſe, that the perſon ſo returned to ſerve is a papiſt; which challenge the court ſhall allow, and adjudge the ſame to be a good and loyal challenge. 6th Ann. ch. 6. S. 5. 1706.

(g) No papiſt ſhall ſerve on, or be returned to ſerve on any grand jury in K. B. or in any court before juſtices of aſſize, oyer and terminer, or goal-delivery, or quarter ſeſſions, unleſs it ſhall appear to the court, that a ſufficient number of proteſtants cannot then be had for that ſervice. 6th Ann. ch 6. S. 5. 1706.

(h) From and after the 24th of March 1703, no freeholder, burgeſs, freeman, or inhabitant of this kingdom, being a papiſt or perſon profeſſing the popiſh religion, ſhall at any time hereafter be capable of giving his vote for the electing of knights of any ſhires or counties within this kingdom, or citizens, or burgeſſes to ſerve in any ſucceeding parliament, without firſt repairing to the general quarter ſeſſions of the peace to be holden for the county, city or borough, wherein he inhabits or dwells, and there voluntarily take the oaths of allegiance and abjuration.— 2d Ann. ch. 6. S. 24. 1702.

ration——To be entered by the clerk of the peace, and a certificate thereof given, paying one ſhilling, on producing which he ſhall be permitted to vote, as fully as any proteſtant, otherwiſe rejected.

2d Geo 1ſt. ch.19. S. 7. 1715. From and after the 24th of June next, no freeholder, burgeſs, freeman, or inhabitant, being a papiſt or perſon profeſſing the popiſh religion, ſhall be admitted to his vote, in the election of knights, citizens, or burgeſſes to ſerve in parliament, unleſs ſuch perſon ſhall have taken the oaths of allegiance and abjuration, at leaſt ſix calendar months before the day of ſuch election, and ſhall alſo take the ſaid oaths at the day of ſaid election, if required ſo to do by the ſheriff, one of the candidates, or any perſon having a right to vote at ſaid election——In caſe any papiſt or perſon profeſſing the popiſh religion, ſhall, contrary to this act give his vote at any election in parliament, and be thereof convicted, he ſhall forfeit 100*l.* one moiety to the king, and the other to the informer,

1ſt Geo. 2. ch. 9. S. 7. 1727. No papiſt, though not convict, ſhall be intitled to vote at the election of any member to ſerve in parliament, or at the election of any magiſtrate for any city or other town corporate.

19th Geo. 2. ch. 11. S. 4. 7. 21ſt Geo. 2. ch. 10. S. 3. 6. 15th & 16th Geo. 3. ch. 16. S. 9. 10. 1745. From and after the 1ſt of May 1746, any of the candidates, at any election of members to ſerve in parliament, or any other perſon having a right to vote at ſuch election, may require from every *freeholder* before he is admitted to poll at ſuch election an oath, in which he muſt ſwear, that he is not *a papiſt nor married to a papiſt.*——In the caſe of a convert the words, " that he is not a papiſt," ſhall be omitted, and inſtead thereof, ſhall be inſerted, " that he was educated in the popiſh religion, and has conformed to the Church of Ireland as by law eſtabliſhed, and has

has not ſince his conformity married a popiſh wife"——which oath is concluſive evidence to the ſheriff.

No perſon intitled to vote in right of being a *proteſtant inhabitant only*, for any members to ſerve in parliament for any *borough* in this kingdom, *where the right of voting is veſted in the proteſtant inhabitants in general, or proteſtant inhabitants and others*, or for chief magiſtrates, burgeſſes, or freemen, who ſhall not, if required, take a ſimilar oath, which is concluſive evidence to the returning officer.

3d Geo. 3. ch. 13 S. 5. 15th & 16th Geo. 3. ch. 16. S. 12. 21ſt & 22d Geo. 3 ch. 21. S. 7.

FINIS.